

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS COURTHOUSE**

Clark Alexandre, individually and on behalf of
all others similarly situated,

Plaintiff,

- against -

Alcon Laboratories, Inc.,

Defendant

7:22-cv-08859-PMH

STIPULATED ORDER

Jury Trial Demanded

WHEREAS Plaintiff, Clark Alexandre, filed a Class Action Complaint on October 17, 2022 (ECF Doc. No. 1), and First Amended Complaint on March 15, 2023 (ECF Doc. No. 11);

WHEREAS Defendant, Alcon Laboratories, Inc. (“Alcon”) filed its request for a Pre-Motion Conference for its anticipated Motion to Dismiss Plaintiff’s First Amended Complaint on April 11, 2023 (ECF Doc. No. 13);

WHEREAS Plaintiff filed his response to Alcon’s request for a Pre-Motion Conference on April 18, 2023 (ECF Doc No. 14); and

WHEREAS the Court having held the Pre-Motion Conference on Alcon’s anticipated Motion to Dismiss on June 5, 2023;

WHEREAS the Court ordered the following briefing schedule: motion to dismiss shall be served, not filed, on June 26 2023; opposition shall be served, not filed, on July 26, 2023; reply shall be served on August 11, 2023, and all papers shall be filed on the reply date, August 11, 2023, and stipulation contemplated by the parties concerning withdrawal of certain claims of relief without prejudice shall be filed by 5:00pm on June 9, 2023.

IT IS HEREBY ORDERED that Plaintiff's Claim for New York and Consumer Fraud Multi-State Class are dismissed without prejudice, and all claims, except for the New York General Business Law §§ 349 and 350 claims and express warranty, in Plaintiff's Class Action Complaint are dismissed without prejudice.

Dated: June 5, 2023

SHEEHAN & ASSOCIATES, P.C.

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IT IS SO ORDERED.

Date: June 7, 2023
White Plains, New York



Philip M. Halpern
United States District Judge